

24544.001

are properly classified with the claims of Group II and therefore should now also be examined along with the above elected claims 65 to 99.

Applicant asserts that it is not presently necessary to cancel the non-elected claims to satisfy the requirement of MPEP §821.01 and 37 CFR 1.144. These sections of the MPEP and the Rules apply to a Response to Final Office Action. This outstanding Office Action of July 2, 2003 was not made final, and the noted sections do not properly apply to this application. Please note that Applicant has submitted a RCE with his Amendment of July 2, 2003.

If the Examiner has any questions with regard to this Amendment, he is requested to place a call to the undersigned.

Respectfully submitted,

  
R. Lewis Gable  
Reg. No. 22,479  
Attorney for Applicant  
COWAN, LIEBOWITZ & LATMAN, P.C.  
1133 Avenue of the Americas  
New York, NY 10036  
(212) 790-9200